

Behrooz P. Vida, SBOT No. 20578040  
Carla Reed Vida, SBOT No. 16674445  
THE VIDA LAW FIRM, PLLC  
3000 Central Drive  
Bedford, Texas 76021  
Tel: (817) 358-9977  
Fax: (817) 358-9988  
[filings@vidalawfirm.com](mailto:filings@vidalawfirm.com)  
ATTORNEYS FOR CARLOS MARTINEZ DUNCKER

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

IN RE:	§	
CARLOS MARTINEZ DUNCKER	§	CASE NO. 16-41520-RFN
Debtor	§	Chapter 13

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MOTION FOR RELIEF FROM AUTOMATIC STAY

TO THE HONORABLE JUDGE OF THE SAID COURT:

CARLOS MARTINEZ DUNCKER ("Movant"), files this Motion for Relief from Automatic Stay (the "Motion") and would respectfully show the Court as follows:

**NOTICE**

**RESPONSE REQUIRED.** THE TRUSTEE (IF ONE HAS BEEN APPOINTED) OR THE DEBTOR SHALL FILE A RESPONSE TO ANY MOTION FOR RELIEF FROM THE AUTOMATIC STAY WITHIN 14 DAYS FROM THE SERVICE OF THE MOTION.\* THE DEBTOR'S RESPONSE SHALL INCLUDE A DETAILED AND COMPREHENSIVE STATEMENT AS TO HOW THE MOVANT CAN BE "ADEQUATELY PROTECTED" IF THE STAY IS TO BE CONTINUED. IF THE DEBTOR DOES NOT FILE A RESPONSE AS REQUIRED, THE ALLEGATIONS IN THE CREDITOR'S MOTION FOR RELIEF FROM THE AUTOMATIC STAY SHALL BE DEEMED ADMITTED, UNLESS GOOD CAUSE IS SHOWN WHY THESE ALLEGATIONS SHOULD NOT BE DEEMED ADMITTED, AND AN ORDER GRANTING THE RELIEF SOUGHT MAY BE ENTERED BY DEFAULT.

\* UNDER BANKRUPTCY RULE 9006(3) SERVICE BY MAIL IS COMPLETE UPON MAILING; UNDER BANKRUPTCY RULE 9006(f), 3 DAYS ARE ADDED TO THE PERIOD FOR FILING A RESPONSE WHEN NOTICE OF THE PERIOD IS SERVED BY MAIL.

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334, and 11 U.S.C. § 362.

2. This is a core proceeding.

3. On April 14, 2016 Debtor filed a voluntary Chapter 13 bankruptcy.

4. Movant wishes to proceed with and complete a pending state court action styled: *IN RE: RUTH VILLEGAS MEDELLIN, PETITIONER AND CARLOS MARTINEZDUNCKER, RESPONDENT*, Case No. 2013 D 4946 consolidated with 2015 D 3655, in the Circuit Court of Cook County, Illinois, County Department, Domestic Relations Division (the “State Court Litigation”).

5. Movant seeks the entry of an order modifying the automatic stay for cause pursuant to 11 U.S.C. § 362(d)(1) so that the State Court Litigation may proceed with respect to the following matters:

- (i) for the establishment of paternity;
- (ii) for the establishment or modification of an order for domestic support obligations;
- (iii) concerning child custody or visitation;
- (iv) for the dissolution of the marriage;
- (v) of the collection of a domestic support obligation from property that is not property of the estate;
- (vi) of the reporting of overdue support owed by a parent to any consumer reporting agency as specified in section 466(a)(7) of the Social Security Act [42 U.S.C. § 666(a)(7)];

- (vii) of the interception of a tax refund, as specified in sections 464 and 466(a)(3) of the Social Security Act [42 U.S.C. §§ 664 and 666(a)(3)] or under an analogous State law; or
- (viii) of the enforcement of a medical obligation, as specified under title IV of the Social Security Act [42 U.S.C. §§ 601 et seq.].

6. Additionally, even though the automatic stay is only enforceable within the United States of America, out of an abundance of caution, Debtor seeks authorization to continue to litigate and prosecute the legal matters which he has pending in the country of Mexico. These legal matters may have a potential bearing on the State Court Litigation.

WHEREFORE, PREMISES CONSIDERED, Movant request the entry of an order granting Movant relief from stay so that he may proceed with prosecution of the State Court Action and granting Movant other and further relief as may be appropriate.

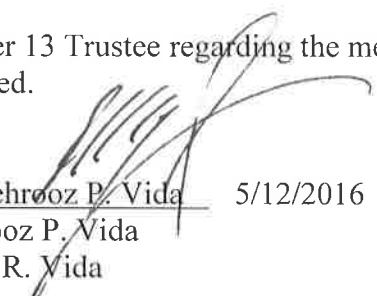
Respectfully submitted:

By:  /s/Behrooz P. Vida 5/12/2016

Behrooz P. Vida  
State Bar No. 20578040  
Carla Reed Vida  
State Bar No. 16674445  
THE VIDA LAW FIRM, PLLC  
3000 Central Drive  
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EMAIL: [filings@vidalawfirm.com](mailto:filings@vidalawfirm.com)  
TEL: (817) 358-9977  
FAX: (817) 358-9988

**CERTIFICATE OF CONFERENCE**

Undersigned conferred with counsel for the Chapter 13 Trustee regarding the merit of this Motion and she has indicated that the Motion is not opposed.

  
/S/ Behrooz P. Vida 5/12/2016  
Behrooz P. Vida  
Carla R. Vida

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and forgoing instrument was served on the date that the instrument was filed electronically. Service was accomplished electronically and/or by first class mail to the parties indicated on the matrix attached to the court filed original motion.

Michael D. Sevin  
161 North Clark Street, Suite 2600  
Chicago, Illinois 60601

Via US Mail

Phillip A. Brigham  
Law Office of Phillip Brigham, LLC  
53 West Jackson, Suite 1128  
Chicago, Illinois 60604

Via US Mail

Efrain Vega  
The Law Office of Efrain Vega  
2251 west 24<sup>th</sup> Street  
Chicago, Illinois 60608

Via US Mail

Tim Truman, Chapter 13 Trustee  
Fort Worth

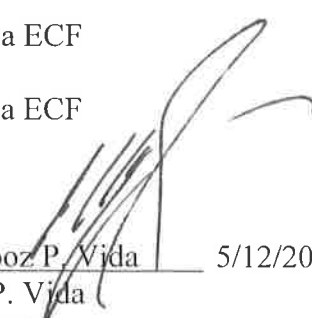
Via ECF

Parties having filed NOA

Via ECF

United States Trustee's Office  
Region 6

Via ECF

  
By: /s/Behrooz P. Vida 5/12/2016  
Behrooz P. Vida  
Carla R. Vida